

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00397-TSC**

JUDICIAL WATCH, INC. v. CENTRAL INTELLIGENCE
AGENCY et al
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 03/06/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JUDICIAL WATCH, INC.

represented by **James F. Peterson**
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: jpeterson@judicialwatch.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**CENTRAL INTELLIGENCE
AGENCY**

represented by **Jonathan D. Kossak**
U.S. DEPARTMENT OF JUSTICE
Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
(202) 305-0612
Email: jonathan.kossak@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cesar A. Lopez-Morales
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20530
(202) 305-8550
Fax: (202) 616-8460
Email: cesar.a.lopez-morales@usdoj.gov
TERMINATED: 07/25/2019

Defendant

DEPARTMENT OF JUSTICE

represented by **Jonathan D. Kossak**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cesar A. Lopez-Morales
(See above for address)
TERMINATED: 07/25/2019

Defendant

DEPARTMENT OF THE TREASURY

represented by **Jonathan D. Kossak**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cesar A. Lopez–Morales
 (See above for address)
TERMINATED: 07/25/2019

Date Filed	#	Docket Text
03/06/2017	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090–4865702) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons CIA, # <u>3</u> Summons DOJ, # <u>4</u> Summons DOT, # <u>5</u> Summons US Attorney for the District of Columbia, # <u>6</u> Summons US Attorney General)(Peterson, James) (Entered: 03/06/2017)
03/06/2017	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. (Peterson, James) (Entered: 03/06/2017)
03/06/2017		Case Assigned to Judge Tanya S. Chutkan. (sth) (Entered: 03/07/2017)
03/07/2017	<u>3</u>	SUMMONS (5) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF JUSTICE, DEPARTMENT OF THE TREASURY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(sth) Modified: Summons 4 erroneously filed. 3/8/2017 (jd). (Entered: 03/07/2017)
03/08/2017	<u>4</u>	SUMMONS (1) Issued as to U.S. Attorney for the District of Columbia (Attachment: # <u>1</u> Consent Forms)(jd) (Entered: 03/08/2017)
03/16/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/13/2017. (Answer due for ALL FEDERAL DEFENDANTS by 4/12/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/13/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. All Defendants (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Peterson, James) (Entered: 03/16/2017)
04/12/2017	<u>6</u>	ANSWER to Complaint by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF JUSTICE, DEPARTMENT OF THE TREASURY.(Lopez–Morales, Cesar) (Entered: 04/12/2017)
04/17/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order not later than 5/8/17. Signed by Judge Tanya S. Chutkan on 4/17/17. (DJS) (Entered: 04/17/2017)
04/20/2017		Set/Reset Deadlines: Proposed Briefing Schedule/Order due by 5/8/2017. (tb) (Entered: 04/20/2017)
05/08/2017	<u>7</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF JUSTICE, DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Text of Proposed Order)(Lopez–Morales, Cesar) (Entered: 05/08/2017)
05/17/2017		MINUTE ORDER: Defendants shall respond to Plaintiffs' FOIA requests no later than May 19, 2017. The parties shall file another joint status report and proposed order on May 26, 2017. Signed by Judge Tanya S. Chutkan on 5/17/17. (DJS) (Entered: 05/17/2017)

05/18/2017		Set/Reset Deadlines: Defendant's response due by 5/19/2017. Joint Status Report due by 5/26/2017. (tb) (Entered: 05/18/2017)
05/26/2017	<u>8</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF JUSTICE, DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Text of Proposed Order)(Lopez-Morales, Cesar) (Entered: 05/26/2017)
06/06/2017		MINUTE ORDER: Having considered the parties' Joint Status Report <u>8</u> , it is hereby ordered that Defendants shall file their anticipated motion for summary judgment by August 21, 2017. Plaintiff shall file its combined cross-motion and opposition by September 22, 2017. Defendants shall file their combined reply and opposition by October 23, 2017. Plaintiff shall file its reply in support of its cross-motion by November 6, 2017. The FBI's arguments in this initial round of briefing may rely solely on Exemption 7(A). Any other basis for withholding documents responsive to Plaintiff's FOIA request are preserved and, if necessary, may be raised in future proceedings. Signed by Judge Tanya S. Chutkan on 6/6/17. (DJS) (Entered: 06/06/2017)
06/07/2017		Set/Reset Deadlines: Summary Judgment motion due by 8/21/2017. Response/Cross Motion due by 9/22/2017. Reply/Response to Cross Motion due by 10/23/2017. Reply to Cross Motions due by 11/6/2017. (tb) (Entered: 06/07/2017)
08/21/2017	<u>9</u>	MOTION for Leave to File <i>Ex Parte, In Camera Versions of the FBI's Summary Judgment Filings</i> by DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Lopez-Morales, Cesar) (Entered: 08/21/2017)
08/21/2017	<u>10</u>	MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF JUSTICE, DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Text of Proposed Order, # <u>4</u> Index of Exhibits, # <u>5</u> Hardy Declaration (FBI), # <u>6</u> Jordan Declaration (Treasury), # <u>7</u> Shiner Declaration (CIA))(Lopez-Morales, Cesar) (Entered: 08/21/2017)
09/19/2017	<u>11</u>	Unopposed MOTION for Extension of Time to File <i>and Reset Briefing Schedule</i> by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, James) (Entered: 09/19/2017)
09/22/2017		MINUTE ORDER: Granting <u>11</u> Unopposed Motion for Extension of Briefing Deadlines. Plaintiff's Opposition and Combined Cross-Motion for Summary Judgment due October 6, 2017. Defendants' Reply & Combined Response due November 21, 2017. Plaintiff's Reply due December 5, 2017. Signed by Judge Tanya S. Chutkan on 9/22/17. (DJS) (Entered: 09/22/2017)
09/22/2017		Set/Reset Deadlines: Cross Motion due by 10/6/2017. Response to Cross Motion due by 11/21/2017. Reply to Cross Motion due by 12/5/2017. Response to Motion for Summary Judgment due by 10/6/2017. Reply to Motion for Summary Judgment due by 11/21/2017. (tb) (Entered: 09/22/2017)
09/30/2017		MINUTE ORDER: In the absence of any substantive response by the Plaintiff and for good cause shown, Defendants' <u>9</u> Motion for Leave to File is hereby granted. Defendants may redact law enforcement sensitive information on the publicly filed version of the FBI's filings and Defendants shall file unredacted versions of the FBI's filings ex parte and in camera. Signed by Judge Tanya S. Chutkan on 9/30/17. (DJS) (Entered: 09/30/2017)
10/06/2017	<u>12</u>	Unopposed MOTION to Modify <i><i>Briefing Schedule</i> by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, James) Modified event title on 10/10/2017 (znmw). (Entered: 10/06/2017)
10/06/2017		MINUTE ORDER: Granting <u>12</u> Consent Motion for Extension of Briefing Schedule. Plaintiff shall file its cross-motion for summary judgment and combined opposition to Defendants' motion for summary judgment by October 11, 2017. Defendants shall file their combined reply/opposition by December 4, 2017. Plaintiff shall file its reply by December 18, 2017. Signed by Judge Tanya S. Chutkan on 10/6/17. (DJS) (Entered: 10/06/2017)
10/10/2017		Set/Reset Deadlines: Cross Motion due by 10/11/2017. Response to Cross Motion due by 12/4/2017. Reply to Cross Motion due by 12/18/2017. Response to Motion for

		Summary Judgment due by 10/11/2017. Reply to Motion for Summary Judgment due by 12/4/2017. (tb) (Entered: 10/10/2017)
10/11/2017	<u>13</u>	Memorandum in opposition to re <u>10</u> MOTION for Summary Judgment <i>and Response to Statement of Facts</i> filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, James) (Entered: 10/11/2017)
10/11/2017	<u>14</u>	Cross MOTION for Summary Judgment by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Memorandum in Support Memorandum and Statement of Facts, # <u>2</u> Text of Proposed Order)(Peterson, James) (Entered: 10/11/2017)
12/04/2017	<u>15</u>	Unopposed MOTION for Extension of Time to File Response/Reply <i>and to Modify Briefing Schedule</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF JUSTICE, DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Text of Proposed Order)(Lopez-Morales, Cesar). Added MOTION to Modify Briefing Schedule on 12/5/2017 (znmw). (Entered: 12/04/2017)
12/05/2017		MINUTE ORDER: Granting <u>15</u> Unopposed Motion for Extension of Time to File Response/Reply. Defendant shall file its combined reply in support of its motion for summary judgment and opposition to Plaintiff's cross-motion on or before January 16, 2018. Plaintiff shall file its reply, if any, in support of its cross-motion on or before January 30, 2018. Signed by Judge Tanya S. Chutkan on 12/5/17. (DJS) (Entered: 12/05/2017)
12/06/2017		Set/Reset Deadlines: Response to Cross Motion due by 1/16/2018. Reply to Cross Motion due by 1/30/2018. Reply to Motion for Summary Judgment due by 1/16/2018. (tb) (Entered: 12/06/2017)
01/16/2018	<u>16</u>	REPLY to opposition to motion re <u>10</u> MOTION for Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF JUSTICE, DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Declaration Second Hardy Declaration (FBI))(Lopez-Morales, Cesar) (Entered: 01/16/2018)
01/16/2018	<u>17</u>	Memorandum in opposition to re <u>14</u> Cross MOTION for Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF JUSTICE, DEPARTMENT OF THE TREASURY. (Attachments: # <u>1</u> Declaration Second Hardy Declaration (FBI))(Lopez-Morales, Cesar) (Entered: 01/16/2018)
01/29/2018	<u>18</u>	Consent MOTION for Extension of Time to File Response/Reply <i>in Supp of Cross Motion for Summary Judgment</i> by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, James) (Entered: 01/29/2018)
01/30/2018		MINUTE ORDER: Granting <u>18</u> Consent Motion for Extension of Time to File Response/Reply. Plaintiff's brief due February 2, 2018. Signed by Judge Tanya S. Chutkan on 1/30/18. (DJS) (Entered: 01/30/2018)
01/31/2018		Set/Reset Deadlines: Reply in support of the Cross Motion for Summary Judgment is due by 2/2/2018. (jth) (Entered: 01/31/2018)
02/02/2018	<u>19</u>	REPLY to opposition to motion re <u>14</u> Cross MOTION for Summary Judgment filed by JUDICIAL WATCH, INC.. (Peterson, James) (Entered: 02/02/2018)
09/30/2018	<u>20</u>	NOTICE of Change of Address by Cesar A. Lopez-Morales (Lopez-Morales, Cesar) (Entered: 09/30/2018)
07/25/2019	<u>21</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Jonathan D. Kossak on behalf of CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF JUSTICE, DEPARTMENT OF THE TREASURY Substituting for attorney Cesar A. Lopez-Morales (Kossak, Jonathan) (Entered: 07/25/2019)
08/14/2019	<u>22</u>	NOTICE of FOIA Records Release by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF JUSTICE, DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Kossak, Jonathan) (Entered: 08/14/2019)
08/28/2019		MINUTE ORDER: By 9/6/19, the parties shall file a joint status report informing the court what impact, if any, the release of records as indicated in Defendant's notice <u>22</u> has on the pending dispositive motions and/or this litigation. Signed by Judge Tanya S. Chutkan on 8/28/19. (DJS) (Entered: 08/28/2019)